

REMARKS/ARGUMENTS

Claims 1-6 and 34-59 are pending in this application. By this Amendment, claims 1, 6, 35-40, 48, 50, and 53-55 are amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections and allowance in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. § 1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 35-41 under 35 U.S.C. § 112, first paragraph. Claims 35-41 are directed to a controller which performs the various functions recited in claims 35-41. It is respectfully submitted that the controller recited in these claims does not constitute new matter, as the controller is actually the system microcomputer, shown as element 27 in Figure 2, and discussed in paragraphs 41 and 45-51 of the present application. However, for clarification purposes, independent claims 1 and 6, as well as claims 35-40, 48, 50, and 53-55, which depend respectively therefrom, have been amended to recite a first microcomputer (i.e., the drive

Amdt. dated August 30, 2004Reply to Final Office Action of June 3, 2004

microcomputer, element 22 of Figure 2 of the present application) configured to control operation of the load section, and a second microcomputer (i.e., the system microcomputer, element 27 of Figure 2 of the present application) coupled to the first microcomputer and configured to perform the uploading and downloading functions as recited in independent claims 1 and 6. Dependent claims 35-40, 48, 50, and 53-55 have also been amended accordingly.

It is respectfully submitted that these amendments merely serve to clarify the function of the microcomputer as previously recited and searched by the Examiner, and thus do not constitute a new issue.

Accordingly, it is respectfully submitted that claims 35-41 now meet the requirements of 35 U.S.C. § 112, first paragraph, and thus the rejection of claims 35-41 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Double Patenting Rejection and Terminal Disclaimer

The Office Action rejects claims 1-7 and 34-59 under obviousness-type double patenting over claims 24 and 26-31 of co-pending U.S. Application Serial No. 09/879,169. Claim 7 was previously cancelled, and thus, for purposes of this reply, it is assumed that it was the Examiner's intention to reject claims 1-6 and 34-59. The rejection, in so far as it applies to claims 1-6 and 34-59, is respectfully traversed.

Serial No. 09/944,378

Docket No. K-0319

Amdt. dated August 30, 2004

Reply to Final Office Action of June 3, 2004

Applicants respectfully submit that claims 1-6 and 34-59 of the present application are not obvious over claims 24 and 26-31 of U.S. Application Serial No. 09/879,169. However, notwithstanding that many of the claims in the present application recite features not recited in claims 24 and 26-31 of U.S. Application Serial No. 09/879,169, and merely to expedite prosecution, Applicants enclose a Terminal Disclaimer. It is respectfully submitted that the Terminal Disclaimer is sufficient to overcome the double-patenting rejection. Withdrawal of the rejection of claims 1-7 and 34-59 under obviousness-type double-patenting is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carol L. Druzbeck**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 09/944,378

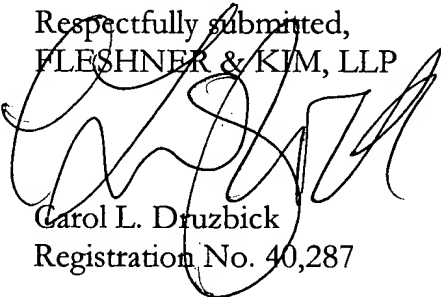
Docket No. K-0319

Amdt. dated August 30, 2004

Reply to Final Office Action of June 3, 2004

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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